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FILED

August 27, 2003

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Hakima Bey-Lawson
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE **SUSPENSION**
OR REVOCATION OF THE **LICENSE** OF

Administrative Action

JONATHON FOX, M.D.
License No. **MA**

CONSENT ORDER

TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter the "Board") upon receipt of information that Jonathon Fox, M.D. (hereinafter the "respondent") left blank **pre-signed prescriptions** in an unlocked drawer in his **medical** office and that the respondent **also** left **pre-signed** prescriptions with **X-ray** technicians and medical assistants.

The **respondent**, represented by Robert J. Conroy, Esq., **appeared** and **testified** before a Preliminary Evaluation Committee of the Board on December 1, 1999. According to the respondent's testimony and representations **made** through respondent's **counsel** following his appearance, after **he** examines a patient **it** is his standard practice to **write** orders in triplicate in the **medical**

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record. The respondent **then gives** the patient chart, along with a **pre-signed** prescription blank, to a **medical** assistant, who has been bonded and trained. The **medical assistant** then writes out the particular medication and dosage **on the** prescription according to a printed instruction sheet.

The **Board finds** that the **respondent's** conduct of **pre-signing** prescription blanks **was** not in **conformance** to the **requirements** of its **prior** regulation, N.J.A.C. 13:35-6.6 and further **finds** that respondent failed to conform his patient: records to the requirements of N.J.A.C. 13:35-6.5, thus demonstrating a **failure** to comply with the provisions of regulations administered by the Board in violation of N.J.A.C. 45:1-21 (h).

While the respondent **disputes** the alleged violations, the respondent is desirous of **resolving** this matter without further formal **proceedings** and the Board finding the within **disposition** **adequately** protective of the **public health**, safety and welfare, for the reasons expressed **herein** and other **good cause** having been shown,

IT IS on this 27th day of August, 2003

ORDERED AND AGREED, **that:**

1. Respondent **shall** conform his **prescriptions** to the **requirements** of N.J.A.C. 13:35-7.2 and shall conform his patient records to N.J.A.C. 13:35-6.5.

2. Respondent shall pay a civil **penalty** in the amount of \$5,000.00.

3. Respondent shall pay costs in the amount of \$1,575.42.

4. Said payments for **civil penalties** and costs shall **be** made by certified check or money order and made payable to the Board of **Medical** Examiners and shall **be** submitted to **William Roeder**, Executive Director of the Board of **Medical** Examiners, P.O. Box **283**, Trenton, New Jersey 08625-0183, within 120 days from entry of this Order.

5. Respondent shall, within the **twelve** months **following** entry of this Order, **take** and **successfully complete** a record keeping course and a **Controlled Dangerous Substance** (CDS) course **approved** in advance **by** the Board, such as but not limited to the mini-residency in the Proper Prescribing of Controlled Substances. Successful completion means that all sessions were attended, all assignments were properly and **appropriately** completed, and a passing **grade** was achieved which was unconditional and without **reservations**.

6. Respondent shall continue to exercise his sound **professional** judgment in determining **whether** a **prescription** refill for his patients can **await** the **weekday** when he is contacted **on a weekend**.

7. Respondent shall, within the thirty (30) days following
issuance of this Order, submit to the Board his revised procedures
illustrating the protocols in his office with regard to the
issuance of prescriptions to patients.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By:

William V. Harrer M.D. B.L.D.

Dr. William V. Harrer, M.D., B.L.D.
President

I have read and understood the
within Order and agree to be
bound by its contents. Consented
to as to form and entry.

Jonathan Fox
Jonathan Fox, M.D.
Respondent

Consented to as to form and entry

Robert J. Conroy
Robert J. Conroy, Esq.